

JUN 13 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

US District Court  
Western District of NC

MISC. 3:13 me 95

IN THE MATTER OF : MEMORANDUM AND  
EQUALIZATION OF SOCIAL : ORDER  
SECURITY CASES

The Board of Judges of the U.S. District Court for the Western District of North Carolina has directed that in the interest of the efficient administration of justice that all social security cases be equally assigned among the judicial officers of this court. This directive is for all pending matters and all future assignments.

**Pending Matters**

The Clerk has taken a "snapshot" of all pending social security cases as of June 6, 2013, and determined that there are 163 pending social security cases which need to be evenly divided among nine judicial officers. At this time all of these 163 cases have been referred to a magistrate judge under the existing referral orders of the district judges. The Clerk is directed to terminate all present current case referrals pending notification from the district judges as to which cases shall be referred to the magistrate judges as set out in this Order.

On Friday, June 7, 2013, the Clerk suspended the assignment of any new social security case to any judicial officer so as to "freeze" the pending number in place for the purpose of reassignment.

To comply with the directive of the Court that the pending social security cases are equally divided among all nine judicial officers, each judicial officer should be assigned 18-20 of the pending social security cases.

The first step in achieving this was to run a status report of every one of the cases to determine if the case had a memorandum and recommendation ready to be reviewed by a district judge; if the case was “ripe” or at issue; or if the case was awaiting the appropriate responsive pleadings. Then, the cases in each of these three categories were divided, as equally as possible, among the six district judges. This resulted in the following assigned caseload:

**Pending Social Security Cases**

	Whitney	Conrad	Voorhees	Reidinger	Cogburn	Mullen
MR Ready	1	2	2	1	1	1
“Ripe”	10	10	10	13	10	10
Awaiting Responsive Pleading	15	16	14	12	16	17
Total	26	28	26	26	27	28

Each district judge will be given a report showing the status of each of their cases as assigned above so they can make a decision as to which of their above pending cases should immediately be referred back to a magistrate judge, thereby finalizing the distribution of the pending cases.

Each magistrate judge has been matched with two district judges, thereby creating a social security case assignment team among the judges. District judges will refer the identified number of their pending social security cases to “their” magistrate judge and more importantly, the district judge will know to which magistrate judge all future cases they are assigned should be referred. The teams are:

Chief Judge Whitney	Judge Voorhees	Judge Reidinger
Judge Conrad	Judge Mullen	Judge Cogburn
Magistrate Judge Cayer	Magistrate Judge Keesler	Magistrate Judge Howell

To finalize the equalization of all pending social security cases, each district judge is directed to refer some pending cases to the magistrate judge on their team, resulting in each judicial officer having between 17– 20 cases of the pending social security cases. Specifically, immediate referrals should be made as follows:

- Chief Judge Whitney to Magistrate Judge Cayer = 9 cases.
- Judge Conrad to Magistrate Judge Cayer = 10 cases.
- Judge Voorhees to Magistrate Judge Keesler = 9 cases.
- Judge Mullen to Magistrate Judge Keesler = 11 cases.

Judge Reidinger to Magistrate Judge Howell = 9 cases.  
Judge Cogburn to Magistrate Judge Howell = 9 cases.

Once the district judges have identified which of their cases are to be referred back to a magistrate judge, the Clerk will change the case referral on the case to show the judicial assignment.

Once this step is completed, each judicial officer will have 20 or fewer pending social security cases.


Chief Judge Whitney = 17 cases.  
Judge Conrad = 18 cases.  
Judge Voorhees = 17 cases.  
Judge Reidinger = 17 cases.  
Judge Cogburn = 18 cases.  
Judge Mullen = 17 cases.  
Magistrate Judge Keesler = 20 cases.  
Magistrate Judge Howell = 18 cases.  
Magistrate Judge Cayer = 19 cases.


### **Future Assignments**

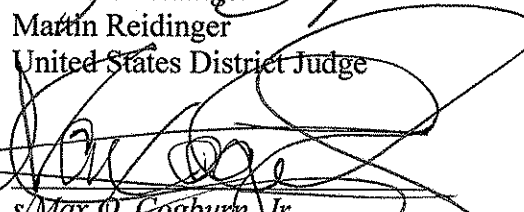
Social security cases may not be directly assigned to a magistrate judge absent the consent of all parties. Therefore, all new cases will be directly assigned to the district judges. Once a month each courtroom deputy will run a social security report showing how many social security cases have been assigned to the judge whose case management duties they are responsible for and identify every third case which will be referred to a magistrate judge.

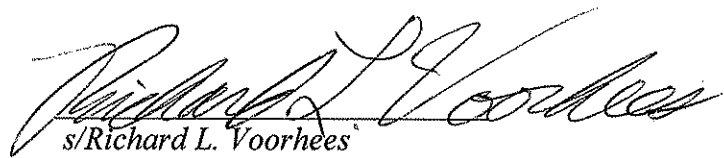
The courtroom deputy will provide the district court judge with a proposed order referring the appropriate number of social security cases for that month to the magistrate judge on the district judge's team. This will assure that all future social security cases continue to be assigned in an even fashion. Assignments will be made out of a district wide social security assignment "deck" thereby assuring that these cases are assigned equally among district judges regardless of the division in which the case was filed.


SO ORDERED This 13<sup>th</sup> day of June, 2013.

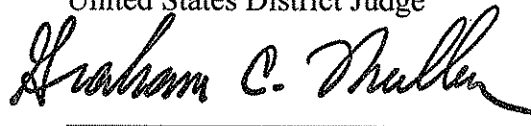
  
s/Frank D. Whitney  
Frank D. Whitney, Chief  
United States District Court Judge

  
s/Martin Reidinger  
Martin Reidinger  
United States District Judge

  
s/Max O. Cogburn, Jr.  
Max O. Cogburn, Jr.  
United States District Judge

  
s/Richard L. Voorhees  
Richard L. Voorhees  
United States District Judge

  
s/Robert J. Conrad, Jr.  
Robert J. Conrad, Jr.  
United States District Judge

  
s/Graham C. Mullen  
Graham C. Mullen, Senior  
United States District Judge